

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:09-cr-00052-W**

THE MATTER is before the Court on the “Notice of Potential Scheduling Conflict” (Doc. No. 106) filed by defense counsel. To the extent such “Notice” constitutes a motion to continue, it is DENIED. This case has had a peremptory trial setting since July 6, 2009, and, since that time, counsel has had constructive notice of the oral order, which appears on the docket sheet for the entire case.

IT IS SO ORDERED.

Signed: August 26, 2009

*Frank D. Whitney*  
Frank D. Whitney  
United States District Judge